D.B. CIVIL SPECIAL APPEAL (W) NO.297/2007
State Vs. Shri Chainaram & Anr.

Date : 21.5.2007

PRESENT

HON'BLE MR. JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE BHANWAROO KHAN

Mr. K.L. Tkahur for the appellant.

Having heard learned Addl. Advocate General, we are of the opinion that no case for interference is made out.

Admittedly the respondent was conferred with some permanent status w.e.f. 1.8.1993 and in terms of Work Charge Rules of 1964 framed under proviso to Article 309 on confirmation of semi-permanent status, the workman is entitled to be fixed in the regular pay scale.

The workman has approached the authority under the Payment of Wages Act for fixation in the pay scale of 750-940 which has been granted by the authority under the Payment of Wages Act.

The directions of the Payment of Wages Authority was challenged on the ground that the authority has no jurisdiction to make such directions.

However, the learned Single Judge has not interfered with the order of the learned authority finding that on admitted case the workman is entitled to be fixed in the pay scale of 750-940 and has issued necessary directions to give the said benefit to the workman within the period fixed by the learned Single Judge. Hence, this appeal solely on the ground that the Payment of Wages Authority had no jurisdiction to direct fixation in the pay scale.

In somewhat and similar circumstances, the matter has come before Supreme Court in Balvantrai Chimanlal Trivedi, Manager, Raipur Mafg. Co., Ahmedabad Vs. M.N. Nagrashna and others AIR 1960 SC 407. The order was passed by the Authority under the Payment of Authority Act on an application moved by a group of employees had allowed the application. The

order of the Authority had been challenged before the High Court on the ground that the authority under the payment of Wages Act had no jurisdiction to grant such relief. The High Court has dismissed the writ petition. The matter was before the Supreme Court by special leave petition. It has been contended that the Authority had no jurisdiction. However, the Supreme Court declined to interfere on the ground that though there was some force in the contention, there being no failure of justice it would not interfere with the order of the High Court dismissing the writ petition of the appellant. For coming to this conclusion, the Court referred to its earlier decision in A.M. Allison Vs. B.L. Sen, AIR 1957 SC 227 governing the discretion of the High Court to exercise in such matters. This is a case in the like circumstances that whereon admitted facts the respondent workman is entitled to the relief granted by the learned Single Judge.

Accordingly, this appeal fails and is hereby dismissed.

[BHANWAROO KHAN], J. [RAJESH BALIA], J.

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